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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

XS HOLDING B.V., et al. Case No. C08 02282 PVT

Plaintiffs,) **DECLARATION OF MARTIN
LETTUNICH**

v.

COOL EARTH SOLAR, INC., et al.,

Defendants.

Martin N. Lettunich declares:

1. My name is Martin N. Lettunich. As material here, I am a party defendant in this action and a cross-defendant in the state action styled *XET Holdings, LLC, et al v. XS Holding B.V., et al* (and related cross-actions) Case No. 107 CV 092388. *En passant*: I am an attorney at law and a member and officer of this court.

2. I am a resident and a citizen of the State of California. I am a member of both Atira Technologies, LLC and Xsleent, LLC. For diversity purposes, Atira and Xsleent are Californians. Two of the plaintiffs in this case (XT and XET) have members (Atira and/or Xsleent) who are Californians for diversity purposes.

I declare under penalty of perjury under the Laws of the United States of America that all of the foregoing is of my own knowledge, that it is true and correct and that I executed this declaration at Los Gatos, California on May 7, 2008.

Martin Lettunich
MARTIN N. LETTUNICH